

# FISH & RICHARDSON P.C.

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November 10, 2005

## By Hand Delivery

Magistrate Judge Joyce London Alexander  
United States District Court for Massachusetts  
John Joseph Moakley United States Courthouse  
1 Courthouse Way  
Boston, MA 02210



AUSTIN

BOSTON

DALLAS

DELAWARE

NEW YORK

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TWIN CITIES

WASHINGTON, DC

Re: Qwest Communications International, Inc. v. Conqwest, Inc.  
Civil Action No. 04-cv-11878 RCL

Dear Magistrate Judge Alexander:

I am writing on behalf of Plaintiff Qwest Communications International, Inc. to advise that our firm is today filing an appearance on behalf of plaintiff. We understand that the matter has been referred to you for mediation and that the next conference is scheduled for December 9, 2005, at 10:00 a.m. We hope that our appearance in the case is a positive force in the direction of settlement.

In familiarizing ourselves with the case on the merits and the status of settlement discussions, we learned as an initial matter that you had requested that the Chief Executive Officer of Qwest be present at the next mediation conference. We respectfully request that you reconsider that order and whether his attendance is likely to be helpful to the settlement process, where his principle responsibilities for the company as a whole mean that he is not versed in this dispute in particular or trademark law in general. Qwest will, of course, have a corporate representative present who is fully prepared on the matter and has the full authority to settle the case as required by Local Rule 16.4.

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We are advised that plaintiff can expect a further written proposal for settlement from defendant's counsel this week. Please be assured that we will consider it in good faith in consultation with our client, respond promptly, and keep you informed of the progress of these settlement discussions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heidi E. Harvey". The signature is fluid and cursive, with the first name "Heidi" being more prominent than the last name "Harvey".

Heidi E. Harvey

cc: Rosemary A. Macero, Esq., Macero & Associates, P.C.  
Kurt S. Lewis, Esq., Lewis Scheid LLP  
Christopher Weld, Jr., Esq., Todd & Weld LLP

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